

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 05-3302

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United States of America,

Appellee,

v.

Bernard J. Iron Shell,

Appellant.

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\* Appeal from the United States

\* District Court for the

\* District of South Dakota.

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\* [UNPUBLISHED]

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Submitted: November 28, 2006

Filed: December 5, 2006

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Before RILEY, COLLOTON, and GRUENDER, Circuit Judges.

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PER CURIAM.

Bernard J. Iron Shell appeals the sentence the district court<sup>1</sup> imposed after he pleaded guilty to involuntary manslaughter, in violation of 18 U.S.C. §§ 1112 and 1153. His counsel seeks to withdraw and asserts in a brief filed under Anders v. California, 386 U.S. 738 (1967), that the 72-month prison term (the statutory maximum) is excessive and an abuse of discretion.

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<sup>1</sup>The Honorable Charles B. Kornmann, United States District Judge for the District of South Dakota.

We enforce the broad appeal waiver included in Iron Shell's oral plea agreement. The plea colloquy reflects that Iron Shell understood and voluntarily accepted the terms of the plea agreement, including the waiver; this appeal falls within the scope of the waiver; and no injustice would result. See United States v. Curtis, 336 F.3d 666, 669-70 (8th Cir. 2003) (enforcing oral-plea-agreement terms reflected in plea transcript); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing enforceability of appeal waiver); see also United States v. Estrada-Bahena, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing appeal waiver in Anders case).

Accordingly, we dismiss the appeal, and we grant counsel leave to withdraw.

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